

RETAIL TRADING HOURS AMENDMENT BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Hon Simon O'Brien (Minister for Commerce)**, and read a first time.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce) [5.57 pm]: I move —

That the bill be now read a second time.

The purpose of the bill is to amend the Retail Trading Hours Act 1987 to change the criteria applying to staffing caps of small retail shops. Small retail shops are permitted by the act to trade 24 hours a day, seven days a week, including all public holidays.

For a shop to be classified as a small retail shop, it must meet various ownership and operational criteria, including that it not have more than 13 persons—including owners, but excluding apprentices—working in the shop at any one time. This bill will adjust the staff cap so that not more than 18 persons—including owners, but excluding apprentices—can work in the retail shop at any one time, rather than the current limit of 13 persons. Other ownership criteria and operational requirements applying to small retail shops under the act are not changed by this bill.

Members may recall that the question of the staff cap placed on small retail shops was debated in Parliament in 2006 and again in 2010. The government has reviewed this matter and decided to take this action after receiving approaches from small businesses, including the Western Australian Independent Grocers Association. WAIGA has asserted that, in the retail environment created by the introduction of 9.00 pm weeknight closing for metropolitan general retail shops, small retail shops are experiencing a competitive handicap compared with larger national chain rivals, particularly due to the 13-person staff cap. The government believes that relaxing the staff cap will assist small retail shops by providing more flexibility, therefore helping them to improve customer services, the range of goods available and general competitiveness.

The government has adopted a modest, incremental approach to retail trading hours reform from 2009 to 2011, and this bill's proposed changes to the staff cap are consistent with that policy. They also serve to provide for greater competition by small shops with larger shops. This prepares the way for a smoother transition to greater deregulation of hours, particularly on Sundays.

From 2009 to date, the Retail Trading Hours Act has been under continuous review as the government has moved to implement a host of legislative and regulatory reforms over this period.

I confirm that it is the government's intention to develop a new policy on retail trading hours and deregulation and take it to the next state election. This may include overhauling the current act and replacing it with more modern, less prescriptive and contemporary legislation, which would likely provide all metropolitan shops with the option of trading on most Sundays, should they so wish. Collectively, these processes serve to meet the government's obligation to review the legislation. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 6.00 to 7.30 pm